

REMARKS

I. Status of the claims

No claim amendments have been made in this submission.

Claims 14, 24 and 25 were previously canceled. Claims 5-13, 15-23 and 27, previously withdrawn as being drawn to non-elected subject matter, are canceled herein. The Applicant specifically reserves the right to pursue all deleted subject matter in one or more divisional and/or continuation application(s).

Accordingly, claims 1-4, 26, 30 and 31 are pending.

The Applicant gratefully acknowledges that the current Final Office Action contains a statement by the Examiner that "[c]laims 1-4, 26, 30 and 31 are allowed over the art of record."

II. Claim Objections

Claim 23 is objected to under 37 CFR 1.75(c) as being in improper form for a multiple dependent claim.

In response, claim 23 has been canceled, and this objection should therefore be withdrawn.

III. Claim Rejections - 35 USC § 101

Claims 7-13 are rejected under 35 U.S.C. 101 because, according to the Examiner, the claimed invention is directed to nonstatutory subject matter.

In response, claims 7-13 have been canceled without prejudice or disclaimer as to the canceled subject matter. Therefore, the Applicant respectfully requests that this rejection be withdrawn.

IV. Claim Rejections - 35 USC § 112 (First Paragraph)

Claims 5-10, 12, 13 and 15-17 are rejected under 35 U.S.C. 112, first paragraph, for alleged lack of enablement of claims directed to treatment of disorders other than anxiety, psychotic depression and excess weight.

In response, without conceding the validity of the Examiner's rejection, claims 5-10, 12, 13 and 15-17 have been canceled without prejudice or disclaimer as to the canceled subject matter. Therefore, the Applicant respectfully requests that this rejection be withdrawn.

V. Claim Rejections - 35 USC § 112 (Second Paragraph)

Claims 5-13, 15-23 and 27 are rejected under 35 U.S.C. 112, second paragraph, for alleged indefiniteness.

In response, without conceding the validity of the Examiner's rejection, claims 5-13, 15-23 and 27 have been canceled without prejudice or disclaimer as to the canceled subject matter. Therefore, the Applicant respectfully requests that this rejection be withdrawn.

V. Allowable Subject Matter

The current Final Office Action contains a statement by the Examiner that "[c]laims 1-4, 26, 30 and 31 are allowed over the art of record."

The Applicant notes that upon entry of this Amendment, the allowed claims are the only claims still pending, and respectfully request the Examiner to immediately issue a Notice of Allowance for these claims.

CONCLUSION

The Applicant notes that upon entry of this Amendment, the allowed claims are the only claims still pending, and respectfully request the Examiner to immediately issue a Notice of Allowance for these claims. If further issues arise and the Examiner believes these issues could be advanced by an interview or entry of an Examiner's Amendment, the Examiner is invited to contact the undersigned attorney.

Dated: June 23, 2009

Respectfully submitted,

By 

Andrew K. Holmes

Registration No.: 51,813

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant